

## REMARKS

Claims 1 and 3 through 13 are compliant with the rules in accordance with 37 CFR 1.121 and have been amended to further distinguish the present invention from the applied combination of prior art references. No claims having been added or cancelled in this response, the Applicants respectfully contend that claims 1 and 3 through 13 remain properly under consideration in the present application. Support for the amendment to Claim 1 is found in at least paragraph [0024]. Entry of this Amendment and reconsideration of this application in light thereof and Remarks, as well as the Affidavit and both of the Declarations under Rule 132, is respectfully requested.

### **Rejections under 35 U. S. C. 103(a)**

Claims 1 and 3 through 13 stand rejected under 35 U. S. C. 103(a) as being unpatentable over the combination of the following references: Wan's U. S. Patent No. 5,411,046 (Wan); Zvezdaryk's U. S. Patent No. 6,510,565 (Zvezdaryk); and Taylor's U. S. Patent No. 5,720,123 (Taylor). The Applicant's respectfully traverse this rejection.

The Applicants respectfully contend that the cited art, neither directly nor indirectly disclose anything remotely related to the principal aspects of the present invention, which reside in the field of photography. Accordingly, the Examiner's attention is respectfully directed to the following limitation at the beginning of Claim 1 which effectively limits all of the claims in the present application:

“A photography tent comprising: a series of fabric panels arranged to form an enclosure, said fabric being light weight, color corrected, translucent nylon material for diffusing light passing through said panels, thereby providing a bright internal stage to fully illuminate a subject and keep the occurrence of shadows while photographing said subject”

In order to appreciate the significance and meaning of the “color corrected, translucent

nylon material” that is key to the present invention, Applicants have submitted two Declarations and an Affidavit under Rule 132, which show that Applicants’ color, corrected material allows for subjects that are being photographed to maintain their original color, and moreover the use of fabric that is not color corrected resulted in photographs that do not truly capture the original color of the object being photographed.

Turning to the Affidavit under CFR 132 of Armin Lehning, the Examiner is respectfully directed to paragraph 7 wherein Mr. Lehning sets forth under oath the following:

“The term color correct or color corrected has a known, definite meaning in the photography art. Color correct or color corrected fabric must be free of fluorescence or other additives enhancing the color. Fluorescence or other additive enhancing of the color are found in practically all commercially used white material.”

It is submitted that the above statement under oath proves that appropriate color corrected fabric is well known to persons skilled in the photography art, and the absence of appropriate color correction in a fabric would produce major defects in photographs produced using such fabric. The defective effect caused by the use of fabric, which is not color corrected in a photography tent is further reinforced by the Declaration under CFR 132 of Lawrence Farrell. His Declaration in paragraph 7 outlines an actual commercial transaction in which the nylon material was not properly color corrected, thereby resulting in inoperative products that had to be returned and replaced. In paragraph 8 Mr. Farrell went on to state that based on his prior experience, Photek, Inc. would not ship out their Photography Shooting Tent of the present invention, which are sold under the trademark Digital Lighthouse, if the fabric panels were not fabricated from color corrected nylon.

As further evidence of the actual improper photographic use of fabric, which is not color corrected, Applicants have submitted the Declaration of Janet Lederman. Accordingly, as outlined in Paragraph 5 of her Declaration, Ms. Lederman has described the commercial transaction in which the wrong fabric had been used mistakenly and replaced with color corrected nylon material, which functioned properly to obtain clear photographs.

The Applicants respectfully contend that there has not been identified any teaching in the collapsible tent of Wan, nor the collapsible sauna of Zvezdaryk, which would suggest or motivate one of ordinary skill in the art to undertake the modifications necessary to convert the apparatus of these patents into one capable of operation according to the claims of the present application, and this would hold true if the teaching of the picture frame of Taylor was applied.

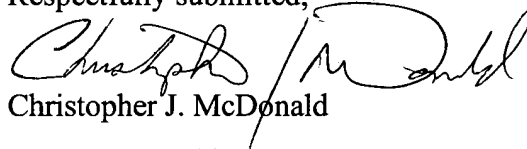
In view of the above remarks and both of the submissions under CFR 1.132, Applicants respectfully submit that the present invention is not obvious over Wan, either singly or in combination with Zvezdaryk and/or Taylor, and respectfully renew their request that the Examiner reconsider and withdraw this rejection.

### CONCLUSION

In view of the above, remarks, amendments, and submissions under CFR 1.132 The Applicants respectfully submit that each of the pending objections and rejections Have been addressed and overcome, leaving the present application in condition for allowance. A notice to that effect is respectfully requested.

If the Examiner believes that further personal communications will expedite prosecution of this application, the examiner is invited to contact the undersigned. If necessary, the Commissioner is hereby authorized in this current, and future replies to charge payment or credit any overpayment to Deposit Account No.08-2455 for any additional fees required under 37 CFR 1.16 OR 1.17; and particularly, extension of time fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. McDonald", is written over the printed name.

Christopher J. McDonald

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